

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

ANDREW KRIVAK, JR.,

Plaintiff,

v.

PUTNAM COUNTY; Putnam County Sheriff's Department Sheriff ROBERT THOUBBORON, in his individual capacity; Putnam County Sheriff's Department Officers HAROLD TURNER, DANIEL STEPHENS, PATRICK CASTALDO, WILLIAM QUICK, JOHN DANIEL REES, WILLIAM ASHER in their individual capacities; Putnam County District Attorneys ROBERT V. TENDY and KEVIN WRIGHT, in their individual capacities; Putnam County Assistant District Attorneys LARRY GLASSER; CHANA KRAUSS; and CHRISTOPHER YORK, in their individual capacities; District Attorney Investigator RALPH CILENTO in his individual capacity; and DENISE ROSE, Defendants.

Index No. 23-cv-06960-KMK

DECLARATION OF
KAREN A. NEWIRTH
IN SUPPORT OF PLAINTIFF'S
MOTION TO DISQUALIFY
DEFENSE COUNSEL

Karen A. Newirth declares, pursuant to 28 U.S.C. §1746, under penalty of perjury, that the following is true and correct:

I am the principal of the law firm of Newirth Law PLLC, attorneys for Plaintiff Andrew Krivak. As such, I am fully familiar with the facts and circumstances of this case. I submit this declaration in support of Plaintiff's motion for disqualification.

Exhibits to Plaintiff's Motion

The following exhibits are annexed hereto:

1. Exhibit 1 is a copy of the Complaint in this action.
2. Exhibit 2 is a copy of the Complaint in *DiPippo v. County of Putnam et al.*, 17-cv-7948 (S.D.N.Y.)(NSR) ("*DiPippo*")
3. Exhibit 3 is the Stipulation of Settlement in *DiPippo*
4. Exhibit 4 is a copy of a search of cases in PACER for the Southern District of New York in which James Randazzo, Esq. is attorney of record.
5. Exhibit 5 is a copy of a search of active cases in PACER for the Southern District of New York in which James Randazzo, Esq. is attorney of record

6. Exhibit 6 is the Complaint *Alexandre Hossu v. County of Putnam et al.*, 16-cv-02027 (S.D.N.Y.)(CS)(“*Hossu*”)
7. Exhibit 7 is a copy of the docket in *Hossu*
8. Exhibit 8 is excerpts from the deposition of Patrick Castaldo taken in *DiPippo*
9. Exhibit 9 is excerpts from the deposition of William Quick taken in *DiPippo*
10. Exhibit 10 is excerpts from the deposition of Harold Turner in *DiPippo*
11. Exhibit 11 is the expert report of Dr. Robert Leonard, prepared in connection with the criminal action *People v. Andrew Krivak*, Ind. No. 39/96 (Putnam County) (“*People v. Krivak*”)
12. Exhibit 12 is the “Post-Confession Interview Form” prepared during the interrogation of Andrew Krivak in *People v. Krivak*
13. Exhibit 13 is excerpts from the 2023 criminal trial in *People v. Krivak*
14. Exhibit 14 is excerpts from the deposition of John Rees taken in the *DiPippo*
15. Exhibit 15 is the Decision and Order of the Hon. Robert Prisco in *People v. Krivak* on the admissibility of experts

DATED: June 24, 2024
New York, New York



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Attorneys for Plaintiff

To: Defense Counsel (by e-mail)
Denise Rose (by first class mail)